



Bridge & Tunnel Operators Association
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Ambassador
Bridge

Blue Water
Bridge
Authority

Buffalo &
Fort Erie
Public
Bridge
Authority

Detroit &
Canada
Tunnel
Corporation

Joint
International
Bridge
Authority

Michigan
DOT

Niagara Falls
Bridge
Commission

Ogdensburg
Bridge &
Port
Authority

Seaway
International
Bridge
Corporation

Thousand
Island Bridge
Authority

Division of Dockets Management (HFA-205)
Food & Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Federal Register ?April 14, 2004 (Vol. 69, No. 72)
Docket No. 2002N-0278

To Whom It May Concern:

The Bridge and Tunnel Operators Association (BTOA) is an organization consisting of all international bridge and tunnel operators across the Ontario/Michigan/New York border. Together we facilitate the movement of over one billion dollars of daily trade between the United States and Canada. Over four million trucks and over 22 million cars pass through our borders each year.

The BTOA and its members continue to work towards assisting both the U.S. and Canadian governments with implementing border security measures that facilitate legitimate trade and travel. We are concerned with how the rules within the Bio Terrorism Act (BTA) will be implemented at our border crossings.

Impact on Border Traffic and Infrastructure

Under the new regulations, shippers and carriers of food and food related products must register with the FDA and submit prior notice or be subject to refusal and/or monetary penalties. While the BTOA supports the implementation of the BTA as an effective mechanism to enhance national security and facilitate legitimate trade and travel, we remain concerned about how the BTA will impact traffic and the continued gridlock we face on a regular basis.

More specifically:

- ?? How will CBP deal with any confusion over the new rules or lack of compliance, including failing to register so as to not create further bottlenecks on our plazas.
- ?? How will CBP ensure that any additional inspections of entering cargo will not result in back-ups or unnecessary delay at the border, jeopardizing just-in-time deliveries and other low-risk traffic.
- ?? To accommodate the new regulations, the BTOA is unclear as to the governments need for additional space to handle processing and inspections.

Continued ...

?? Our plazas were not designed for today's traffic volumes or the post 9-11 environment which includes additional safeguards such as the BTA.

?? As more staff are being deployed to the border and additional equipment is installed, we are running out of space on our plazas and our crossings.

We would welcome an opportunity to talk with the FDA, CBP and GSA in working on plans to improve our existing infrastructure.

Impact on Staffing

The BTOA understands that existing CBP officials will undertake food and agricultural inspections, on behalf of the FDA. The BTOA is concerned that this will result in staffing deficiencies for the existing commercial and vehicular traffic at each border crossing. The BTOA is further concerned about the number of FDA officials available at some border crossings on weekends, to handle to the new restrictions imposed by the FDA.

The BTOA encourages the CBP to audit staffing levels at our border crossings to determine if additional staff is needed, from all agencies involved at the border.

Education / Advocacy

The BTOA has seen other federal programs implemented at our crossings without effective marketing, education and advocacy campaigns attached to the programs. Without effective marketing or education campaigns, very few people take advantage of various programs or are otherwise unaware of complying with new regulations. We encourage Congress, the FDA, and CPB to make sure it has the resources to implement an educational campaign through the BTOA, trade associations in both the U.S. and Canada and the private sector, in making sure our members and other interested parties are aware of the new rules, to ensure compliance and avoid unnecessary delays at the border.

The BTOA is interested in working in partnership with the FDA and CBP in educating our commercial customers about the new guidelines emerging from your agencies. We regularly communicate with our customers, have individual websites and are otherwise your agencies eyes and ears at the international border crossings.

Integration with Existing and Future Technologies

The BTOA is currently seeking opportunities to work with the federal government to make sure the technologies and programs used at the border are fully integrated. We encourage the FDA and CBP to make sure there is an opportunity to integrate the technologies used for the BTA, with NEXUS, US VISIT, FAST, C-TPAT and other programs at the border. We also encourage the FDA and CBP to work with their Canadian counterparts to make sure that information is shared and your technologies are working on parallel tracks to make crossing the border seamless, efficient and safe.

Collaboration Between Federal Government and Operators

The BTOA supports the Department and the President in ensuring that border security enhancements do not adversely affect legitimate travel and trade. In fact, we would like to actively help in making that happen.

The BTOA is committed to helping the Department achieve its goals of modernizing our borders, harmonizing our systems and creating a better, faster and more secure border.

We encourage the DHS and FDA to work with us in implementing programs that directly affect how we operate at the U.S. Canadian Border.

The BTOA looks forward to working with you and the DHS in implementing the BTA at our land border crossings. We encourage you to visit our operations and we remain available to consult the Department on the best way to implement the BTA at our individual crossings to maximize national security and minimize disruption. In the meantime, please feel free to contact me (613-932-5113 x 23) with any questions.

Yours truly,

Hendrik (Rik) Saaltink, P.Eng.
President, BTOA

cc. Senators Carl Levin, Debbie Stabenow, Charles Schumer, Hillary Clinton; Representatives Carolyn Kilpatrick, Joe Knollenberg, John Dingell, Candice Miller, Dave Camp, Louise Slaughter, Jack Quinn, Tom Reynolds, John McHugh, Christopher Cox, Jim Turner, Members of the Northern Border Caucus, Governors Jennifer Granholm, George Pataki; Janice Wiener - U.S. Embassy (Ottawa); Doug Doam – DHS, Todd Jeffords – DHS; BTOA Members

NB/dc